

BK: 2023 PG: 2349
Recorded: 9/25/2023 at 2:37:14.0 PM
Pages 3
County Recording Fee: \$17.00
Iowa E-Filing Fee: \$3.00
Combined Fee: \$20.00
Revenue Tax:
BRANDY L. MACUMBER, RECORDER
Madison County, Iowa

Return to Preparer: Jeffrey W. Courter, 700 Walnut, Suite 1600, Des Moines, IA 50309; (515) 283-8048
Address Tax Statement: Lincoln Savings Bank, 13523 University Avenue, Clive, IA 50325

AFFIDAVIT EXPLANATORY OF TITLE

STATE OF IOWA)
) ss:
COUNTY OF MADISON)

RE: A tract of land located in the Northwest Fractional Quarter (¼) of the Northwest Fractional Quarter (¼) of Section Thirty-one (31) in Township Seventy-six (76) North, Range Twenty-seven (27) West of the 5th P.M., City of Winterset, Madison County, Iowa, more particularly described as follows, to-wit: Commencing at the Southwest corner of the Northwest Fractional Quarter (¼) of the Northwest Fractional Quarter (¼) of said Section Thirty-one (31), thence South 88°37' East, 935.1 feet along the South line of said Northwest Fractional Quarter (¼) of the Northwest Fractional Quarter (¼) to the point of beginning, thence continuing South 88°37' East, 347.2 feet, thence North 506.5 feet, thence North 88°37' West, 347.2 feet, thence South 506.5 feet to the point of beginning, containing 4.0359 acres.

Locally known as: 411 E. Lane, Winterset, Iowa

(hereinafter "**Real Estate**")

I, the undersigned, Jeffrey W. Courter, of West Des Moines, Iowa, being first duly sworn upon oath, do depose and state as follows:

1. I am an attorney licensed to practice law in the State of Iowa.
2. I am well acquainted with the title and ownership of the Real Estate and have personal knowledge of the facts set forth in this Affidavit.

3. The Real Estate is now owned by Lincoln Savings Bank pursuant to an Alternative Nonjudicial Foreclosure proceeding which was completed on September 15, 2023, via the recording of an Affidavit of Compliance with the Madison County Recorder at BK: 2023 PG: 2235.
4. In a Preliminary Title Opinion regarding the Real Estate prepared by Des Moines attorney Loyd Ogle ("**Ogle**"), dated August 3, 2023 ("**PTO**"), Ogle identified three (3) separate Court actions potentially impacting the Real Estate as set forth in the abstract as follows:
 - a. QHC Winterset North, LLC v. Merlene Rynearson, Case No. LACV035311;
 - b. State of Iowa vs. Blue Care Homes, Case No. EQCV035558; and
 - c. State of Iowa vs. Blue Care Homes, Case No. EQCV035560.

None of these Court actions will have any impact upon the Real Estate for the following reasons:

- a. This lawsuit was filed by a prior owner of the Real Estate as Plaintiff so there is no judgment to be entered against prior owner which would impact the Real Estate;
 - b. This receivership matter by the State of Iowa is nearly concluded with the Receiver already receiving a partial discharge, and the remaining issues deal with the prior owner's 401(k) obligations to its former employees, none of which have any impact upon the Real Estate.
 - c. This receivership matter by the State of Iowa is nearly concluded with the Receiver already receiving a partial discharge, and the remaining issues deal with the prior owner's 401(k) obligations to its former employees, none of which have any impact upon the Real Estate.
5. In his PTO, Ogle also identified a Mechanic's Lien against the Real Estate in favor of Des Moines Comfort, Inc. Case No. MNLR #037487-0. Said Mechanic's Lien was foreclosed off the Real Estate by virtue of the Alternative Nonjudicial Foreclosure proceeding referenced in paragraph 3 above.
6. All of the foregoing is true and correct as I verily believe.
7. I offer this Affidavit pursuant to Iowa Code §558.8 to clear any potential lien or cloud that may appear in the chain of title to the Real Estate.

Dated this 25th day of September, 2023.

By: Jeff Courter
Print: Jeffrey W. Courter
Title: Attorney at Law

Signed and sworn to (or affirmed) before me on this 25 day of September, 2023, by Jeffrey W. Courter, Attorney at Law.



Kristina A Renslow
Notary Public in and for the State of Iowa